

**ZB# 99-27**

**Brian Barbera  
(Superior Auto Sales)**

**34-2-1**

Prelim.

June 28, 1999.

Notice to Sustain 7/19/99.

Public Hearing:

Aug. 9, 1999.

Granted

Refund \$407.00

#99-27-Barbura, Brian

Sign Area. 34-2-1

© Wilson Jones, 1995

BY Dorothy H. Hase

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Brian Barbera

FILE# 99-27

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA       

USE       

APPLICATION FOR VARIANCE FEE ..... \$ 150.00

\* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00

*Paid ck #  
\$150.  
Paid ck #  
\$500.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/28/99-2 \$ 9.00

2ND PRELIMINARY- PER PAGE 8/9/99-3 \$ 13.50

3RD PRELIMINARY- PER PAGE ..... \$       

PUBLIC HEARING - PER PAGE ..... \$       

PUBLIC HEARING (CONT'D) PER PAGE ..... \$       

TOTAL ..... \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/28/99 \$ 35.00

2ND PRELIM. 8/9/99 \$ 35.00

3RD PRELIM. .... \$       

PUBLIC HEARING ..... \$       

PUBLIC HEARING (CONT'D) ..... \$       

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$       

TOTAL ..... \$ 92.50

LESS ESCROW DEPOSIT ..... \$ 500.00

(ADDL. CHARGES DUE) ..... \$       

REFUND DUE TO APPLICANT. \$ 407.50

*Refund.*

Date ..... 7/9 ..... 1999.

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

597 Little Britain Rd. Corp.

TO 1/2 Brian Barbera DR.

DBA - Superior Auto Sales

997 Little Britain Rd., NW.

**TB**

**CLAIMED**

**ALLOWED**

99

Refund of Escrow #99-27 ZBA

\$407.50

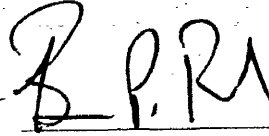
Approved: Patricia C. Banhat  
ZBA.

2926

597 LITTLE BRITAIN RD. CORP.  
DBA SUPERIOR AUTO SALES  
997 LITTLE BRITAIN RD. PH. 914-567-1751  
NEW WINDSOR, NY 12553

DATE 7-19-9950-235-617  
219PAY  
TO THE  
ORDER OFTown of New Windsor\$ 150<sup>00</sup>/<sub>100</sub>ONE Hundred Fifty and 00/100DOLLARS THE  
BANK OF  
NEW  
YORKRoute 17K Office, 989 Auto Park Place  
Newburgh, NY 12550

FOR

ZBA # 99-27

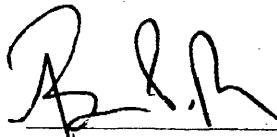
⑈002926⑈ ⑆021902352⑆ ⑆6801017299⑈

2927

597 LITTLE BRITAIN RD. CORP.  
DBA SUPERIOR AUTO SALES  
997 LITTLE BRITAIN RD. PH. 914-567-1751  
NEW WINDSOR, NY 12553

DATE 7-19-9950-235-617  
219PAY  
TO THE  
ORDER OFTown of New Windsor\$ 500<sup>00</sup>/<sub>100</sub>Five Hundred and 00/100DOLLARS THE  
BANK OF  
NEW  
YORKRoute 17K Office, 989 Auto Park Place  
Newburgh, NY 12550

FOR

ZBA # 99-27

⑈002927⑈ ⑆021902352⑆ ⑆6801017299⑈

In the Matter of the Application of

**BRIAN BARBERA D/B/A SUPERIOR AUTO  
SALES**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#99-27.

**WHEREAS, BRIAN BARBERA (SUPERIOR AUTO SALES), 997 Little Britain Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 32 sq. ft. sign variance for a double-faced, freestanding sign at Superior Auto Sales, at the above location in an NC zone; and**

**WHEREAS, a public hearing was held on the 9th day of August, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared by Brian Barbera; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties along a busy state highway.

(b) The proposed sign is to replace an existing sign that has been taken down.

(c) The proposed sign is no higher or larger than other signs in the area.

(d) The proposed sign will be internally illuminated with a steady, non-flashing

illumination and will contain no neon.

- (e) The proposed sign will be fixed and will not rotate.
- (f) There will be approximately 6 ft. between the bottom of the sign and the ground and it will not block the vision of motorists on the adjacent roadways.
- (g) The proposed sign will be located approximately 15 ft. from the existing roadway.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations, but nevertheless are warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 32 sq. ft. sign area variance for a double-faced, freestanding sign on a commercial building located at Superior Auto Sales at the above location, in variation of Section 48-18H(1)(A)(2) of the Supplemental Sign Regulations, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.



**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

**Dated:** October 25, 1999.

  
\_\_\_\_\_  
Chairman

Date ....., 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.

168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/9/99		Zoning Board Mtg	75 00	
		Misc - 2		
		Fox - 1		
		Birald - 4		
		Windsor Academy - 15		
		Wolf - 6		
		Kadian - 2		
		Barbera - 3 13.50.		
		Gannon - 2		
		Clement - 2	166 50	
		37		
			241 50	

BARBERA, BRIAN

MR. NUGENT: Request for 32 square foot double-faced freestanding sign at Superior Auto Sales located at 997 Little Britain Road in an NC zone.

Mr. Brian Barbera appeared before the board for this proposal.

MS. NUGENT: Is there anyone in the audience for this application? Let the record show there's no one here.

MS. BARNHART: We sent out, on July 20, 25 addressed envelopes containing the notice of public hearing and we have no response.

MR. NUGENT: I thought he's allowed 64 feet?

MR. BABCOCK: He wants to build it 96 square feet.

MR. NUGENT: He needs 32 over top of it?

MR. BABCOCK: Right. It's an existing sign that he has that he's taken down because it was bigger than the sign ordinance, now he'd like to get the variance and the necessary approvals to put it back up.

MR. KANE: It's no bigger than the sign that used to be up.

MR. BABCOCK: Well it wasn't his sign.

MR. NUGENT: There was a sign.

MR. KANE: Size wise.

MR. BABCOCK: The frame is there.

MR. KANE: So he's just replacing it within the sign?

MR. BARBERA: Yes.

MR. KANE: Different company name?

MR. BARBERA: Yes.

MR. KRIEGER: This is located in a commercial neighborhood, correct?

MR. BARBERA: Ah-huh.

MR. BABCOCK: NC, Neighborhood Commercial.

MR. KRIEGER: It's no higher than or significantly higher or larger than other signs in the area?

MR. BARBERA: No, sir.

MR. KANE: Illuminated?

MR. BARBERA: Yes, sir.

MR. KANE: Internal?

MR. BARBERA: Yes, sir.

MR. KRIEGER: Would that be steady illumination, no flashing?

MR. BARBERA: Non-flashing.

MR. KRIEGER: No neon?

MR. BARBERA: No neon.

MR. TORLEY: It's not a rotating sign?

MR. BARBERA: No.

MR. KRIEGER: How long has the sign, the prior sign, how long was that there? Does anybody know?

MR. BABCOCK: I don't even think he knows, it's been there for a long time, it's not up, it's laying there, how long have you been there, Brian?

MR. BARBERA: Eight years.

MR. BABCOCK: So, he's had his own sign that he has now, the smaller one that long, so it's at least that

long.

MR. REIS: How high off the ground is this sign, Brian?

MR. BARBERA: It's would be, it's going to be 6 feet, the bottom of the sign is 6 feet to the top, so it's going to be a total of 12 foot high, I think.

MR. NUGENT: Not a sight problem.

MR. BARBERA: No, I think it's allowable, 15, oh, no, absolutely not, I checked that, it's going to be 15 foot back from the road, it's not going to be a problem.

MR. KRIEGER: So, it won't obstruct any motorist's view of anything?

MR. BARBERA: Absolutely not, there's a telephone pole there on the corner that hurts, you know.

MR. NUGENT: We can't get those removed.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move that we approve Brian Barbera's requested sign variances for 997 Little Britain Road.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** June 10, 1999

**APPLICANT:** Brian Barbera  
997 Little Britain Road  
New Windsor, New York 12553

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** June 7, 1999

**FOR :** Proposed 6 X 8 (96 sq ft ) Pole Sign

**LOCATED AT:** 997 Little Britain Road

**ZONE:** NC     Sec/ Blk/ Lot: 34-2-1

**DESCRIPTION OF EXISTING SITE:** Existing used car sales

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Proposed Pole <sup>Sign</sup> ~~sign~~ will exceed maximum of 64 square feet of total area.

  
BUILDING INSPECTOR

PERMITTED 64 Sq. FT.

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: NC      USE: 48-18-H-1-A-2

SIGN:

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS:

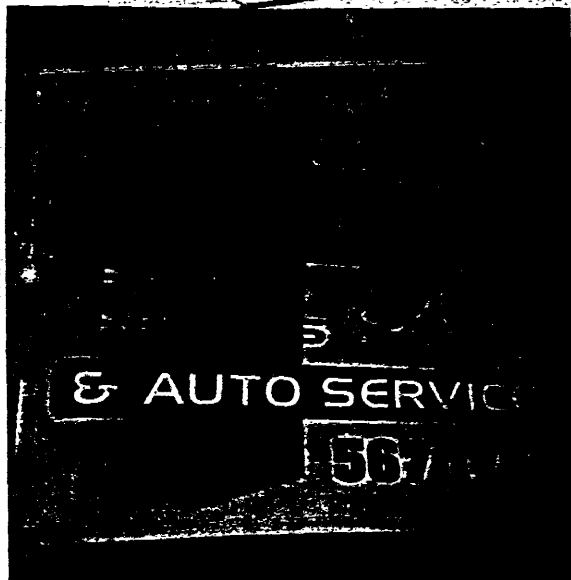
TOTAL ALL SIGNS:

96 Sq.Ft.

32Sq.Ft.

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP



ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
OR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

use listed below must be made or Certificate of Occupancy may be withheld. Do not mistake  
less an inspection report is left on the job indicating approval of one of these inspections it  
d that point in the work. Any disapproved work must be reinspected after correction.

re in place (before pouring.)  
ring and footing drains.  
erslab plumbing.  
before being covered.

on hand electrical inspection data and final certified plot plan. Building is to be  
nd engineer's certification letter for septic system required.  
Highway Superintendent. A driveway bond may be required.  
tion twice.

schedule inspection.  
card is posted.  
ing permits for new houses.  
rawing and perc test.  
m Clerk's office.

pancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**ACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS**

**REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BRIAN Barbera

Address 997 Little Britain Rd Phone (514) 567-1751

Mailing Address New Windsor N.Y. 12553

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)



1. On what street is property located? On the E side of W Rt 207  
(N,S,E or W)  
and 10 feet from the intersection of Weather Oak and 207
2. Zone or use district in which premises are situated N.C. Is property a flood zone? Y N X
3. Tax Map Description: Section 34 Block 2 Lot 1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy Auto Sales and Repair b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? yes 6x8 pole Sign - 96 sq. FT
7. Dimensions of entire new construction. Front 6x9 Rear 6x8 Depth 8' Height 14' No. of stories None Sign
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \$50.00

VARIANCE Needed

PROPERTY ZONE: \_\_\_\_\_  
EXISTING APPROVED USE: USED CAR SALES AND OFFICE, ONE APARTMENT  
APPROVAL DATE: 20 NOVEMBER 1992  
PROPOSED USE: (B) SPECIAL PERMIT: AUTO REPAIR GARAGE (NO GAS)  
WATER SUPPLY AND SEWAGE DISPOSAL BY EXISTING MUNICIPAL SYSTEMS.  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

#### INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

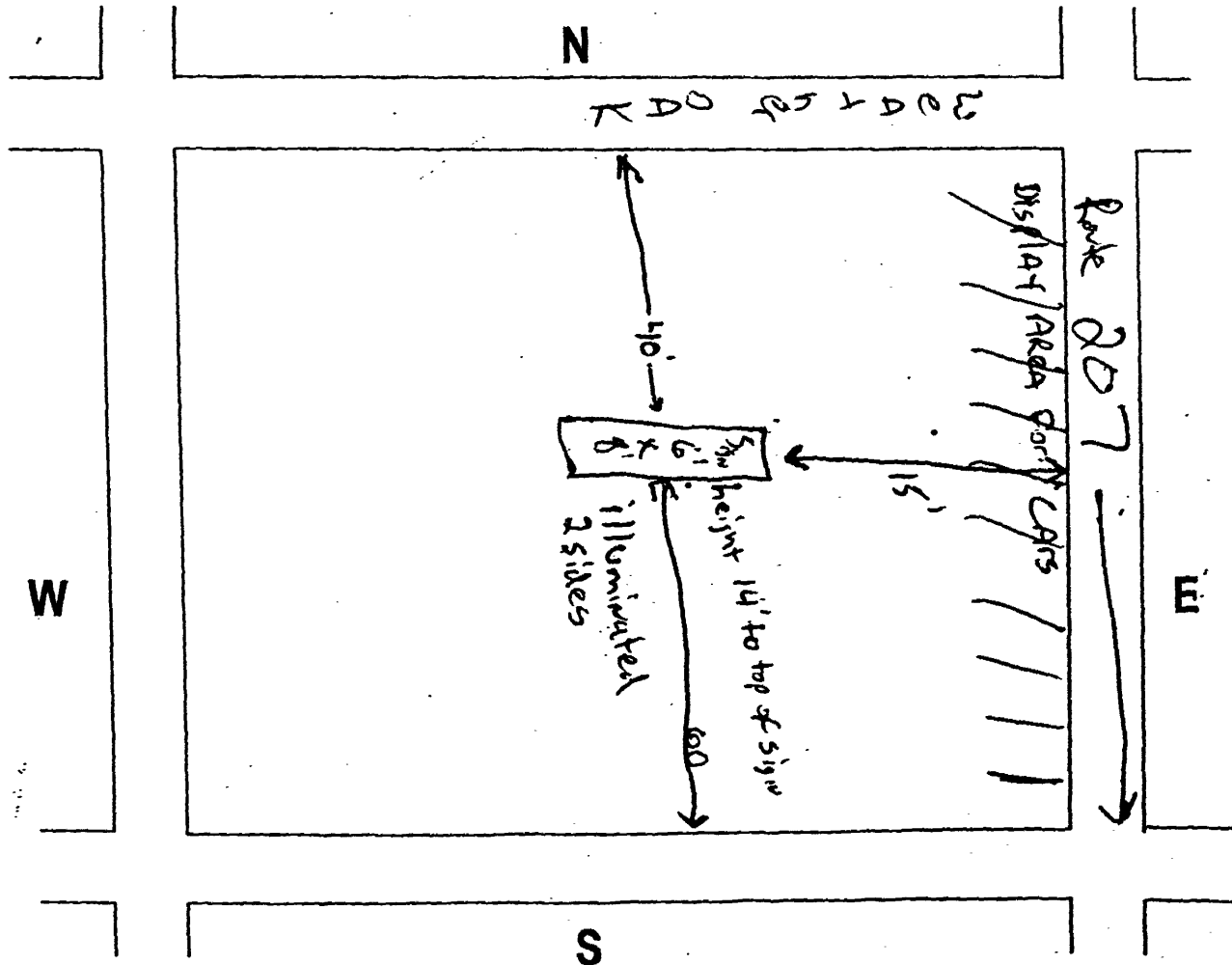
997 Little Britain Rd New Windsor, N.Y. 12553  
(Address of Applicant)

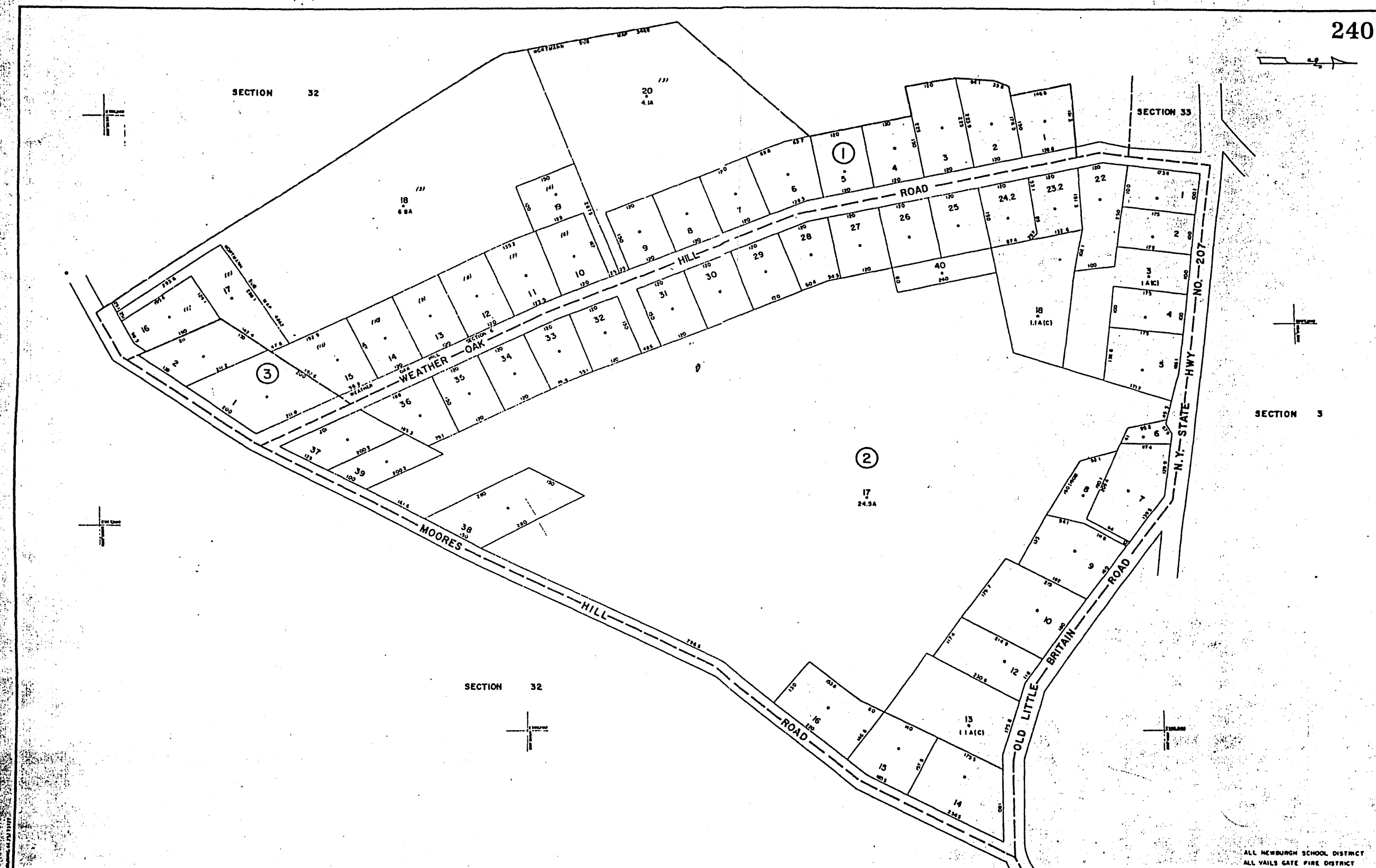
(Owner's Signature)

(Owner's Address)

PLOT PLAN

**Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.**





Prepared by  
ORANGE CO. TAX MAP DEPT.  
MAIN ST., BOBINO, N. Y. 10824  
1989  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE CO. TAX MAP	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY/TOWN OR VILLAGE	SECTION LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	WATCH LINE	AS(2) Section 11.1a (County) 11.1a	STATE HIGHWAYS
PARCEL IDENTIFY LINE	STREAMS	DIMENSIONS (Circle) or (Square) or (Triangle)	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTERS		TOWN ROADS

## ORANGE COUNTY~NEW YORK

Photo No. 15-47, 48 Date of Map: 9-24-87  
Date of Photo: 9-1-85 Date of Revision: 3-1-91  
Scale: 1" = 100'

## TOWN OF NEW WINDSOR

Section No. 34

Date 7/27/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(2)

TO ..... Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550 DR.

DATE			CLAIMED	ALLOWED
6/28/99		Zoning Board Mtg (Denise Prodnick)	75 00	
		Misc. 2		
		Ogwest Realty - 2		
		McGuinness, Karen - 4		
		Villa - 4		
		Estate of Zuccola - 2		
		Jennings - 2		
		Barbera - 2 \$9.00		
		Bigi - 3		
		Barton - 2		
		83	103 50	
			178 50	

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

Clerk

BRIAN BARBERA

MR. NUGENT: Request for 32 square foot sign area variance for proposed pole sign at Superior Auto Sales at 997 Little Britain Road in an NC zone.

Mr. Brian Barbera appeared before the Board for this proposal.

MR. BARBERA: I think you have my stuff.

MR. NUGENT: You have an existing sign now?

MR. BARBERA: Yeah. It's a 4 by 8 sign. I'm going to take that down, relocate it and add 32 more square feet.

MR. KANE: Is that a two-sided sign?

MR. BARBERA: Yes.

MR. KANE: So the 32 square feet --

MR. BARBERA: That's both sides.

MR. KANE: Takes care of both sides?

MR. BARBERA: Yeah.

MR. KRIEGER: Is the sign illuminated?

MR. BARBERA: Yes.

MR. KRIEGER: Interior or exterior?

MR. BARBERA: Interior.

MR. KRIEGER: Florescent bulbs?

MR. BARBERA: Yes.

MR. KRIEGER: No flashing, no neons?

MR. BARBERA: No flashing, no neo.

MR. NUGENT: Mike, height okay?

MR. BABCOCK: 15 foot is the maximum.

MR. NUGENT: He's got 14. He's okay.

MR. REIS: You say you're moving the existing sign?

MR. BARBERA: I'm taking it down. I have a picture of the new sign.

MR. TORLEY: Not the cover sheet, but the next sheet in at the top of the page.

MR. REIS: So this completely instead of?

MR. BARBERA: Yes.

MR. KANE: Does it match other existing signs on that particular road in that area as far as size?

MR. BARBERA: Yeah. Cumberland Farms is across the street, I think theirs is 8 by 8, their illuminated sign.

MR. NUGENT: Okay. Any further questions?

MR. TORLEY: None at this time.

MR. KANE: Mr. Chairman, accept a motion?

MR. NUGENT: Yeah.

MR. KANE: I move we set up Mr. Barbera for a public hearing on his requested variances.

MR. REIS: Second.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: If you would take the list with you, those are the criteria on which the state decreed that the Zoning Board must decide. So if you would address yourself to those criteria at the public hearing, that would be helpful.

MR. TORLEY: Since our sign ordinance is fairly new, be prepared to discuss why you need to exceed the sign area.

MR. BARBERA: Okay. Thank you.



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Brian Barbera

**Applicant.**

#99-27

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**

**) SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on July 20, 1999, I compared the 25 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
20<sup>th</sup> day of July, 1999.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2001



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

July 7, 1999

Brian Barbera  
Superior Auto Sales  
997 Little Britain Road  
New Windsor, NY 12553

Re: Tax Map Parcel #34-2-1

Dear Mr. Barbera

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

LESLIE COOK  
Sole Assessor

/jlc  
Attachments

CC: Pat Barnhart, ZBA

Terry L. Orr  
993 Little Britain Rd.  
New Windsor, NY 12553

Anthony J. Christie  
987 Little Britain Rd.  
New Windsor, NY 12553

John P. Ambury  
985 Little Britain Rd.  
New Windsor, NY 12553

T. Scott Hughes &  
James R. Jr. Petro  
981 Little Britain Rd.  
New Windsor, NY 12553

Moore's Hill Estates Inc.  
C/O Jacob Deutsch  
1 Kennedy Ct.  
Monroe, NY 10950

Paul M. & Cecelia M. Mehmed  
5 Weather Oak Hill Rd.  
New Windsor, NY 12553

Bruce C. & Linda S. Ladrack  
9 Weather Oak Hill Rd.  
New Windsor, NY 12553

Karl & Myrtle Klinge  
C/O Phillips  
116 North St.  
Washingtonville, NY 10992

George F. Jr. & Patricia A. Kent  
13 Weather Oak Hill Rd.  
New Windsor, NY 12553

James H. & Amelia De Laune  
6 Weather Oak Hill Rd.  
New Windsor, NY 12553

James J. & Mary Anne Walker  
8 Weather Oak Hill Rd.  
New Windsor, NY 12553

Nicholas A. Volkringer &  
Roseann M. Scalfari  
10 Weather Oak Hill Rd.  
New Windsor, NY 12553

Thomas C. Galli  
42 Square Hill Rd.  
New Windsor, NY 12553

Vails Gate Fire Company Inc.  
4 Weather Oak Hill Rd.  
New Windsor, NY 12553

Angelo & Lucia Feola  
8 Dapple Terrace  
Newburgh, NY 12550

Fred N. & Edith Pellechia  
1007 Little Britain Rd.  
New Windsor, NY 12553

Angelo Rizzo  
1003 Little Britain Rd.  
New Windsor, NY 12553

Allen & Kitty Dantas  
958 Little Britain Rd.  
New Windsor, NY 12553

Peak Technical Corp.  
594 Little Britain Rd.  
New Windsor, NY 12553

Joseph Herschel  
3696 Route 209  
Wurtsboro, NY 12790

New Windsor Power Equip. Corp.  
988 Little Britain Rd.  
New Windsor, NY 12553

Stephen Sakadelis  
3 Square Hill Rd.  
New Windsor, NY 12553

V.S.H. Realty Inc. - V0835  
777 Dedham St.  
Canton, MA 02021

Angelo Sakadelis  
345 Toleman Rd.  
Rock Tavern, NY 12575

NYS Dept. Of Transportation  
C/O Airport Director  
NYS DOT - 1035 First St.  
Stewart Airport  
Newburgh, NY 12550

Pls. publish  
immediately.

Bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 27.

Request of Brian Barbera and Superior Auto Sales.

for a VARIANCE of the Zoning Local Law to Permit:

proposed double-faced, freestanding sign with  
more than the allowable sign area;

being a VARIANCE of Section 48-18 H - Supp. Sign Regs.

for property situated as follows:

997 Little Britain Road, New Windsor, NY.

known and designated as tax map Section 34, Blk. 2, Lot 1.

SAID HEARING will take place on the 9th day of August, 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Baerhart, Secy.

This is a mortgage note

Default, when full amount due immediately

payment

notice not required

This Note is secured by a Mortgage dated the same day as this note. This mortgage covers property situate in the County of Orange, City of New Windsor, and known as 997 Little Britain Road and 3 Weather Oak Hill Road. Lender may declare the full amount of this Note due immediately for any default. The following are defaults:

(a) failure to pay, when due, any amount payable on any of my obligations under this Note;

(b) Failure to do anything I am obligated to do under the Mortgage. Anything that would be a default under the Mortgage will also be a default under this Note. This means that upon the Lender's demand, I will have to pay the full amount of this debt plus any other charges which the Lender is entitled to under the Mortgage.

I can repay the entire debt in advance whenever I want, or I can repay part of the debt in multiples of \$100 in advance whenever a regular monthly payment is due. There will be no extra charge for this. If I pay ahead of time, I will have to pay interest on the payment prepaid only to the date of prepayment.

If the Note is not paid when due, the Lender does not have to notify me before the Lender can enforce rights to collect all amounts due. The Lender does not have to present this Note, demand payment or protest.

Brian Barbera

Address  
Newburgh, New York

Signature, print or type name beneath

Address

STATE OF NEW YORK, COUNTY OF

ss.:

On 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that deponent resides at No. deponent is

of the corporation described in and which executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss.:

On May 19 97 before me personally came

Brian Barbera

to me known to be the individual described in, and who executed the foregoing instrument, and acknowledged that he executed the same.

Mortgage Note

Brian Barbera

TO

Lino Bauco, John  
Palladino and Frank  
Bauco

1997

May

ated,

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-27.

Date: 7/19/99.

I. Applicant Information:

Home Address

(914) 565-8135

(a) Brian Barbera 7 Oliver Drive Newburgh N.Y. 12550  
(Name, address and phone of Applicant) (Owner)

For Variance (b) place of business - 997 Little Bedford Rd New Windsor N.Y. (914) 567-1751  
(Name, address and phone of purchaser or lessee)

(c) \_\_\_\_\_  
(Name, address and phone of attorney)

(d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☒ Sign Variance

☐ Area Variance

☐ Interpretation

III. Property Information:

(a) NC 997 Little Bedford Rd New Windsor 34-2-1 100 x 175 ft  
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? NC

(c) Is a pending sale or lease subject to ZBA approval of this application? NO

(d) When was property purchased by present owner? 1996

(e) Has property been subdivided previously? NO

(f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_

(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO

(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance.

(a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(You may attach additional paperwork if more space is needed)

#### VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18 H(1), Supp. Sign Regs. Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>64 sq. ft.</u>	<u>96 sq. ft.</u>	<u>32 sq. ft.</u>
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

6x8 interior illuminated sign - double-faced.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

96 sq. ft. total.

\_\_\_\_\_

#### VII. Interpretation. N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.
- (b) Describe in detail the proposal before the Board:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

#### VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or





(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)